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(1980-2010)

March 6, 2015

**Maier v Quality Bus**

Our File No.: 149.29644

Docket No.: 14 CV 3586 (JCM)

**Via ECF/CMS Only**

Magistrate Judge Judith C. McCarthy  
United States District Court  
Southern District of New York  
300 Quarropas Street, Courtroom 421  
White Plains, New York 10601

Dear Judge McCarthy:

I represent the defendant Quality Bus in the above referenced matter. I am writing to request a pre-motion discovery conference with the Court in accordance with Local Rule 37.2. Prior to making this letter-motion, I discussed this issue with plaintiff's counsel, Vincent Cimini, but unfortunately, we were unable to agree on a mutually acceptable resolution.

The substance of this dispute is as follows: Quality Bus requested records pertaining to plaintiff's Family Court mental health evaluation, documentation relative to the divorce proceeding, child support documentation from the Family Court proceeding, and the criminal charges and orders of protection stemming from the domestic incident in Pennsylvania involving the plaintiff and his wife. We sought an authorization to obtain those records from plaintiff's attorney who handled the Family Court and criminal matters, Kurt T. Lynott, Esq. of Counsel to the law firm of Brian J. Cali and Associates. It is our position that those records are relevant to the plaintiff's alleged cognitive impairment, his alleged impulsivity and anger control issues, his claim that the subject motor vehicle accident impacted his ability to interact with and care for his child, and his economic damages.

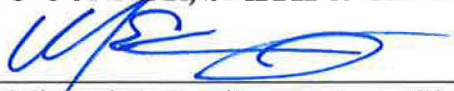
Plaintiff has asserted the documentation is privileged, as well as made objections based on relevancy and admissibility. We have not received a privilege log in accordance with Local Civil Rule 26.2.

I respectfully request a conference with the Court so the parties can be heard and potentially resolve this issue, hopefully avoiding the need for a formal discovery motion. If this matter cannot be resolved at the conference, Quality Bus will request permission from the Court to file a formal discovery motion. Should Your Honor require any additional information in advance of the pre-motion conference, please so advise.

Respectfully yours,

**MAYNARD, O'CONNOR, SMITH & CATALINOTTO, LLP**

By



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